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March 25, 2020



Chairman DeAnn T. Walker
Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78701

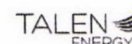
Re: Project 50664 – Issues Related to the State of Disaster for Coronavirus Disease 2019

Dear Commissioners:

Texas Competitive Power Advocates (TCPA) member companies appreciate all of the work the Public Utility Commission (PUC) and Governor Abbott are doing to keep Texans safe as we battle COVID-19. Our members have been actively working to ensure that generation assets and the ancillary services needed to maintain operations related to those critical pieces of infrastructure, are able to continue providing safe and reliable power to the state.

As additional restrictions, such as shelter in place, have been enacted throughout the country and in counties in Texas, TCPA members have encountered some issues in certain locations with the implementation of those restrictions. In response, we are developing best practices that we want to share with Texas state and local officials to hopefully make this time as smooth as possible for everyone. We recognize this may not fall under the PUC's jurisdiction and are not seeking specific Commission action; however, the Commission's general support, where applicable or appropriate, in encouraging consistent policies across local jurisdictions when shelter in place type orders are adopted to help ensure adequate access to critical electrical and plant infrastructure would be appreciated. We ask, as a best practice, when contemplating further orders related to COVID-19 that, to the extent possible, government entities include the following or similar language related to electrical as Essential Critical Infrastructure and the associated employees as essential personnel:

“Essential Critical Infrastructure. Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet,



and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached.”¹

While Governor Abbott has provided that shelter in place orders will be determined on a local basis by local governments, TCPA wants to ensure that essential electrical workers and the support contractors and vendors that serve that critical infrastructure are consistently deemed essential personnel, regardless of the local government enacting an order. As seen in the attached Dallas County Order, electrical workers were properly deemed as essential personnel. Essential infrastructure companies have worked with other local governments to amend orders during the initial drafting when these critical personnel were initially omitted from those considered essential. In some instances, the governmental entity referred to the Department of Homeland Security Cybersecurity & Infrastructure Security Agency (CISA) Memo issued on March 19, 2020 identifying essential critical infrastructure workers during COVID-19.² The Memo is subject to further revision, but the March 19, 2020 version is attached with the relevant section highlighted.

In addition to individual company actions, TCPA members wanted to file the attached referenced items as additional resources to assist any additional local governments considering shelter in place orders. The highlighted section in the CISA memo shows those electrical workers deemed as essential personnel by CISA and may offer guidance to local governments to ensure a consistent approach across the state as we battle COVID-19. In addition, Member companies are also issuing letters on company letterhead to essential personnel to indicate their responsibility within the organization as essential to continue the safe and reliable provision of electricity. Employees are being directed to carry this letter and provide to civil authorities if needed.

We understand the PUC and Governor Abbott are working extensively on a number of issues to protect Texas and its essential electric systems as we battle COVID-19. TCPA members appreciate the many hours and work on our behalf and hope this information provides assistance in proactively tackling issues related to our essential personnel, contractors, and vendors to avoid delays or inconsistencies as additional local governments consider their options for containment.

¹ See attached Dallas County Amended Order of County Judge Clay Jenkins, issued on Sunday, March 22. Relevant sections highlighted.

² See attached Tarrant County Executive Order by County Judge, Issued on March 22, 2020. Relevant sections highlighted.